

1790.

L A W S of M A R Y L A N D.

C H A P. XII.

An ACT to regulate auctions in Baltimore-town.

Passed December 14.

No person to act as auctionier unless appointed, &c.

BE it enacted, by the General Assembly of Maryland, That after the commencement of this act no person shall act as an auctionier within Baltimore-town, or within one mile of the said town, unless appointed agreeably to this act; and if any person, without such appointment, shall sell any property (except vessels, lands, houses, and real property of any kind) at auction within the said town of Baltimore, or within one mile thereof, and be thereof convicted in the general court, or Baltimore county court, such person shall forfeit and pay ten pounds current money for every hundred pounds worth of property by him so sold, and in the same proportion for any greater or less sum; and any person employing a person not appointed as aforesaid to sell any property at auction within the said town, or one mile thereof, shall forfeit and pay ten pounds like money for every hundred pounds worth of property so sold by his direction, or with his consent, and in the same proportion for any greater or less sum, to be recovered as aforesaid.

Auctioniers appointed, &c.

II. And be it enacted, That there shall be two auctioniers offices for the said town of Baltimore, and that Archibald Campbell and Thomas Yates, and the survivor of them, are hereby appointed to execute one of the said offices, and Joshua Barney and John Hollins, and the survivor of them, are hereby appointed to execute the other of the said offices; and the said auctioniers shall, before they act by virtue of this appointment, (under the penalty of two hundred pounds current money) give bond to the state of Maryland, in the penalty of five thousand pounds current money, with such securities as the commissioners of the said town shall approve, with condition that they will faithfully execute the office and trust reposed in them as auctioniers for Baltimore-town, agreeably to law, and in all things well and faithfully execute and perform the several duties required by this act; and each of the said auctioniers, before he acts as such, shall, under the penalty of two hundred pounds current money, take the following oath or affirmation, (which any justice of the peace may administer,) to wit: "I do swear (or affirm) that I will faithfully and honestly execute the office and trust reposed in me as auctionier for Baltimore-town, and that I will well and faithfully perform the several duties required by law, without any partiality, fraud or deceit;" and the said auctioniers shall yearly, and at the end of every year, under the penalty of two hundred pounds current money, give a new bond to the state of Maryland, in the penalty aforesaid, with security as aforesaid, under condition as aforesaid.

Who may be removed by the governor, &c.

III. And be it enacted, That the governor and council may remove any auctionier on being convicted of misbehaviour in office in any court of record of this state, and may appoint another in his stead, and in case both of the auctioniers appointed to either of the said offices shall resign their appointment, or remove out of the said town and its precincts, or die, the governor and council may appoint others in the place of the auctioniers so resigning, removing or dying, and each of the persons so appointed shall, under the penalty of two hundred pounds current money, give bond to the state of Maryland, with security as aforesaid, in the penalty aforesaid, conditioned as aforesaid, and shall, before they act under their appointment, under the like penalty, take the oath or affirmation aforesaid.

Bond may be put in suit, &c.

IV. And be it enacted, That the bond given by the auctioniers may be put in suit by any person intrusting property in their, or either of their hands, for sale, for recovery of the property if not sold, and if sold, the money received, or which they, or either of them, agreed to collect or to be answerable for, with an interest of twenty per cent. per year; and the bond of any auctionier shall be liable for any breach of the condition to the amount of the penalty; and if judgment shall be once rendered on such bond, any person injured may afterwards issue *scire facias* to recover the damages by him sustained by the misconduct of such auctionier in the execution of his office.

V. And